



**THE COMMONWEALTH OF MASSACHUSETTS  
ENERGY FACILITIES SITING BOARD**

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**DEVAL L. PATRICK**  
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BY FIRST CLASS MAIL AND BY EMAIL TO [1828-83121861@requests.mudrock.com](mailto:1828-83121861@requests.mudrock.com)

September 7, 2012

MuckRock News  
DEPT MR 1828  
P.O. Box 55819  
Boston, MA 02205-5819  
ATTN: Brandon Wieber

Re: Request for Production of Public Records Related to Cape Wind Project

Dear Mr. Wieber:

The Energy Facilities Siting Board ("EFSB" or "Siting Board") has received your public records request by email dated August 28, 2012, requesting all documentation of the adjudicatory process for reviewing and permitting the two 18-mile 115 kilovolt underground electric transmission lines that will bring Cape Wind's electricity onto shore to connect into the existing electric grid. The documents you seek were generated in one of two related proceedings. The first of these proceedings was the Petition of Cape Wind Associates, LLC and Commonwealth Electric Company d/b/a NSTAR Electric for Approval to Construct Two New 115kV Electric Transmission Lines in the Towns of Yarmouth and Barnstable, EFSB 02-2/D.T.E. 02-53 ("Cape Wind Petition"), in which the construction of the transmission lines was approved. The second proceeding relates to a request from Cape Wind for an extension of the deadline for the commencement of transmission line construction ("Extension Request"): EFSB 02-2A/D.T.E. 02-53.

The Cape Wind Petition was filed prior to the Department of Public Utilities ("Department") requiring electronic filing; consequently, none of the documents in that case are available through the Department's website. Certain documents in the Extension Request proceedings, however, are available on-line. To access these document, first go to the Department of Public Utilities website: [www.mass.gov/dpu](http://www.mass.gov/dpu). Once you have reached the Department website, please click on "File Room;" select the option "Select a docket by industry;" select "EFSB" from the drop-down menu that will appear. A list of EFSB cases will appear; please click on the case "EFSB 02-2A" (which is the last choice under EFSB). You will

then have access to all of the documents in the Extension Request proceeding that were filed electronically.

Enclosed are exhibit lists and docket sheets for each of these two proceedings. As you can see, the exhibit list for the Cape Wind Petition is extensive. The record in that proceeding alone is approximately 10,000 pages. In contrast, the exhibit list in the Extension Request is smaller; I estimate the record in that proceeding to be approximately 200 pages.

The Department may recover the costs of compiling the requested information. See 950 C.M.R. § 320 (public record custodian permitted to charge \$0.20 per page for photocopying and costs associated with preparation of documents). In order to provide copies of the entire records from both cases, we would need to send out the documents to a copy service. One such service quoted an estimated price of \$2,231.00 to copy 10,000 pages. We estimate the cost to copy the Extension Request documents to be \$44.61. In addition, an attorney must review the files remove any Confidential Energy Infrastructure Information (“CEII”), as that term defined in 18 C.F.R. § 388.113(c)(1). CEII is excluded from the definition of a “public record” pursuant to G.L. c. 4, § 7, clause 26(n). I estimate eight hours of attorney time will be necessary. The charge is \$30.89 per hour. Therefore, the charge for attorney time would be \$247.12.

Rather than pay for the entire file in both cases to be copied, you may wish to inspect the documents at the Siting Board offices and then request copies of certain documents. If that is what you would like to do, please call me at 617-305-3514 and I will work with you to set up a mutually-convenient time. If you want to obtain complete copies of the record in either or both proceedings, then we will arrange to have them copied. We would require payment in advance of sending the documents to a copy service. Please send a check to the Commonwealth of Massachusetts in the amount of \$2,522.73.

Finally, you have requested that the Siting Board produce the documents in “accessible format.” Please note that under Public Records Law, the Siting Board will produce the documents in the form in which they are kept. See 950 CMR § 32.03.

Let me know how you would like to proceed. Please do not hesitate to contact me if you have further questions.

Sincerely yours,

Robert J. Shea  
Presiding Officer

Enclosures

cc: Mr. Andrew Greene (w/o enclosures)  
James A. Buckley, Esq. (w/o enclosures)  
Joan Foster Evans, Legal Division